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COMPREHENSIVE EXAMINATION OF THEMATIC ISSUES RELATING TO THE ELIMINATION OF RACIAL DISCRIMINATION

Written statement submitted by North-South XXI, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1996/31.

[21 June 1999]

GE.99-13874 (E)

Situation of migrant workers

1. Migrations are the consequence of underdevelopment, which is itself to a decisive extent the result of the nature of the economic relations between the countries of the South and those of the North. They have become one of the aspects of globalization, and constitute a market just like any other, such as merchandise and finance.

2. Locked as they are into their underdevelopment, the populations of the South, particularly the uprooted agricultural populations, leave the countryside for the towns, and then the towns for the countries of the North. There is consequently no point in considering the question of immigration independently of all the other problems besetting the countries of the South, such as debt, foreign investment, the problems of wages and prices, the uprooting of rural populations, etc. - in other words, all the issues of underdevelopment and therefore of development policies to be promoted. Thus, any discussion about the rights of migrants is likely to be of no avail if it is dissociated from implementation of the right to development.

3. The States of the North, whose interests do not encourage the creation of conditions for the economies of the South to develop, are taking increasingly restrictive measures with regard to migrant workers. In Europe, especially, the various States (whatever values are espoused by their Governments) are taking similar measures with regard to people from the countries of the South:

Strict limits on the issuing of visas and "priority" exclusion of people from the South;

Classifying an irregular stay as a criminal offence accompanied by administrative detention without trial or penal sanctions;

Failure to respect the right to work and the right to social protection;

A restrictive interpretation of the Convention relating to the Status of Refugees and an improper classification of refugees and migrant workers; and

Legal discrimination of a xenophobic nature (selective identity checks, house searches, police investigations, etc.).

This pattern of repression and discrimination towards migrants from the South represents a violation of international human rights instruments, creates a xenophobic and racist climate in the developed countries which is disturbing for North-South relations, and debases democracy and its values to the detriment of the rights and freedoms of nationals of the industrialized countries themselves. "Under cover of combating clandestine immigration", writes Professor D. Loschak, President of the French branch of the Immigrant Information and Support Group (GISTI), "a repressive police system of which everyone, including nationals, will have to bear the consequences, is becoming an established and familiar feature".

4. The following rights and freedoms enshrined in the international human rights instruments are thus called into question:

Freedom of movement;

The right of asylum;

The right not to be detained without trial;

The freedom to come and go and the absence of racial discrimination (identity checks and other police intervention on the basis of facial appearance); and

Equal access to State health care and social services.

5. The question of the rights of migrants must be considered in the context of a global approach to the migration phenomenon. Merely attempting to correct the abuses practised by the States of the North is not likely to have any real impact. The Sub-Commission has good reason to call for support to be given to the project of holding a world summit on migration problems and on the rights of migrants, the scope of which is continually decreasing.